

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BEVERLY TRAN,

Plaintiff,

CIVIL ACTION NO. 07-CV-13232-DT

vs.

DISTRICT JUDGE BERNARD A. FRIEDMAN

**MICHIGAN DEP'T OF
HUMAN SERVS., et al.,**

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

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**OPINION AND ORDER DENYING PLAINTIFF'S MOTIONS TO CORRECT
HARMLESS ERROR**

Plaintiff has filed eight "Motions to Correct Harmless Error." (Docket nos. 73, 74, 76, 77, 78, 79, 80, 81). These motions are almost identical. Plaintiff seeks to correct what she believes are harmless errors in her previously filed Motions for Entry of Default. (Docket nos. 40-47). This Court has already submitted a Report and Recommendation to the district judge addressing these motions. (Docket no. 70). No responses have been filed to Plaintiff's motions. The Court dispenses with oral argument, and the motions are now ready for ruling.

Plaintiff identifies the "harmless errors" in her previously filed Motions for Entry of Default as her failure to cite the proper subsection of Fed. R. Civ. P. 55 and her failure to attach certificates of service to her previous motions for default. As to Defendant Keck she also cites her misspelling of his name. To the extent that any such errors are harmless, such as the misspelling of a name, they did not affect this Court's Recommendation. Plaintiff's motion is moot as to them. To the extent that the failures Plaintiff identifies are not harmless, the Court denies her motion. Plaintiff may not now change the substance of her motion by seeking an entry of default rather than a default

judgment which she clearly requested in her earlier motions. Moreover, the failure to properly support her earlier motions by establishing proper service of process is not harmless error. The Court notes that the certificates of service Plaintiff submitted fail to show that proper service was made on the individual Defendants such that a default judgment would be appropriate.

IT IS THEREFORE ORDERED that Plaintiff's Motions to Correct Harmless Error (docket nos. 73, 74, 76, 77, 78, 79, 80, 81) are **DENIED**.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: January 03, 2008

s/ Mona K. Maizoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Beverly Tran and Counsel of Record on this date.

Dated: January 04, 2008

s/ Lisa C. Bartlett
Courtroom Deputy